

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE:

DANIELLE DURRAH

Case No. 15-10504-JDW

Debtor.

Chapter 13

1ST Heritage /

ORDER AVOIDING NONPOSSESSORY, NONPURCHASE MONEY LIEN

This matter comes before the Court on the above-reference Debtor's ¹ Motion to Avoid Nonpossessory, Nonpurchase Money Lien of 1st Heritage (the 'Creditor') pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014 (Motion To Avoid Nonpossessory, Nonpurchase Money Security Interest and Other Relief). The Debtor has represented to the Court that all parties in interest were timely served with the Motion, and no party has objected to the relief requested in the Motion by the deadline set by the Court. Based on the Debtor's representation, the Court finds and concludes as follows:

1. The Debtor exempted certain household goods of the type set forth in 11 U.S.C. § 522(f)(1)(B), as listed on Schedule C filed by the Debtor in this bankruptcy case.
2. The existence of the Creditor's lien against the Debtor's property impairs exemptions to which the Debtor would be entitled under Title 85, Chapter 2 of the Mississippi Code and 11 U.S.C. § 522(b). Accordingly, it is hereby

ORDERED, ADJUGED AND DECREED that

1. The Motion is **GRANTED**.

¹ All references to "Debtor" shall refer to both debtors in a case filed jointly by two individuals.

2. The nonpossessory, nonpurchase money lien held by the Creditor against the Debtor's ([exempt household goods of the type set forth in 11 U.S.C. § 522(f)(1)(B)] is **AVOIDED**, and the lien is hereby extinguished as to that property and shall not survive bankruptcy, affix to, or remain enforceable against the property, unless this case is dismissed prior to entry of the Debtor's discharge.
3. To the extent the Creditor's lien is avoided by this Order, Creditor shall be treated as a general unsecured creditor in this case.

##END OF ORDER##

MITCHELL & CUNNINGHAM
William C. Cunningham
112 N Broadway
Post Office Box 7177
Tupelo, MS 38802
(662) 407-0408